

2. The present Special Leave Petition was filed by the Petitioner (now deceased, and represented before this Court by his legal representatives, hereinafter referred to as "Petitioner") against the impugned judgment dated 29.03.2019, whereby the Punjab and Haryana High Court allowed the second appeal filed by the Respondent (now deceased, and represented before this Court by his legal representatives, hereinafter referred to as "Respondent") , thereby allowing the suit for possession filed by the Respondent and directed the Petitioner to return possession of the suit property to the Respondent on repayment of Rs. 1600 with 8% interest from date of receipt of the same.

3. A brief summary of the facts necessary for the disposal of the present Petition are as follows: the Respondent had filed a suit for possession against the Petitioner herein in 1982 regarding suit property measuring 8 marlas. It was the case of the Respondent that the Petitioner had forcefully taken over possession of his property under the pretext of his daughter's wedding, but had refused to return possession of the property when the Respondent requested the Petitioner to do so. On the other hand, the Petitioner pleaded in his written statement that an agreement for sale had been entered into by the parties as far back as in 1978, and that he had paid the entire amount due. As such, the Respondent ought to have executed a sale deed in his favour, but had failed to do so.

4. The Trial Court, *vide* judgment dated 07.12.1987, dismissed the suit of the Respondent and held that the Petitioner was actually the owner in possession of the property. The first appeal of the Respondent was partly allowed, with the First Appellate Court holding that as the sale deed had admittedly never been executed between the parties, the Petitioner could not be called the owner. However, the First Appellate Court, *vide* judgment dated 26.07.1988 directed the Respondent to execute a sale deed in favour of the Petitioner, in effect, granting specific performance of the agreement for sale between the parties. Aggrieved by this order,

the Respondent filed a second appeal before the High Court, which was allowed *vide* impugned judgment dated 29.03.2019 with a direction to the Petitioner to return possession of the property subject to repayment of the money proved to have been paid by the Petitioner to the Respondent. The High Court noted in its judgment that in a suit for possession filed by the Respondent, when the Petitioner had not claimed his rights vis-à-vis the agreement for sale dated 15.06.1978, the Courts below ought to have confined themselves to only directing the Respondent to return any amounts received.

5. Aggrieved by the above impugned judgment, the Petitioner has filed the present Special Leave Petition. After hearing the Petitioner on 12.07.2019, this Court was inclined to pass the following order:

"xx xx xx There has been a delay of 14 years, 2 months and 10 days and another delay of 3 years in filing the substitution application.

Let notice be issued on the application for delay in filing the substitution application as also on the application for substitution.

Issue limited notice also about the payment of compensation or payment of higher interest by the respondents."

6. Heard the counsel for the parties.

7. Notice was issued to the limited extent of reconsidering the compensation payable to the Petitioner as this Court was of the opinion that the amount directed to be paid to the Petitioner by the High Court was insufficient. After hearing the parties and taking into consideration the facts of the case, we are of the opinion that the interests of justice would be served by directing the Respondent to pay a lumpsum amount to the Petitioner to put a quietus to this issue which has been pending in the Courts since 1982. The counsel for the Respondent has no objections to the same.

8. On perusing the material, and taking into consideration the size of the property, the year in which the agreement for sale was entered into and the amount that was received by the Respondent, we dispose of this Special Leave Petition by directing the Respondent to pay a total sum of Rs. 3,00,000/- to the Petitioner, within a period of three weeks from today. The impugned judgment of the High Court is modified to this limited extent only.

9. Pending application filed in the matter also stands disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)